

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KUANG XUAN LIU, et al.,
Plaintiffs,
v.
WIN WOO TRADING, LLC, et al.,
Defendants.

Case No. [14-cv-02639-KAW](#)

**ORDER REGARDING 4/24/16 JOINT
LETTER RE: ORIGINAL TIME
REPORTS**

Re: Dkt. No. 171

On April 24, 2016, Plaintiffs and Defendant Safety Trucking filed a joint letter in which Plaintiffs seek to compel the production of original copies of time reports for Plaintiffs and other truck drivers, which bear the signature of the particular driver, dated prior to November 16, 2011. (Joint Letter, Dkt. No. 171 at 1.) Specifically, Plaintiffs contend that certain time reports were altered to obscure the fact that Win Woo was listed as the employer. *Id.* Plaintiffs argue that these alterations benefit Win Woo, who has allegedly used the altered reports in depositions. (Joint Letter at 4.)

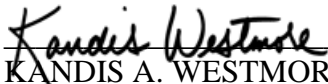
Safety Trucking reiterates that many documents were lost, but that the print-outs were not altered. (Joint Letter at 5.) Rather, Jia Tun Zheng contends that any listing of Win Woo as the payor is a clerical error, because both companies used the same time card machine. (Decl. of Jia Tun Zheng, Dkt. No. 171-3 at 4 ¶¶ 5-7.) Any determination of whether this was a clerical error, or whether the corporate entities were operating as a single entity, is a question of fact to be decided by the jury.

Accordingly, Safety Trucking is ordered to produce the original time reports and original corrected time reports for all truck drivers, dated prior to November 16, 2011, for inspection and copying at a mutually agreeable location within 14 days of this order. This includes those time

1 reports that Safety Trucking contends erroneously list "Win Woo Trading" as the employer or
2 "Department." In the event that an original time report is not available, Safety Trucking shall
3 furnish a reproduction that it authenticates as a true and correct copy of a business record. To the
4 extent that any original time reports are in the possession of Win Woo, the Court is confident that
5 those will also be made available at the agreed upon time of inspection.

6 IT IS SO ORDERED.

7 Dated: April 28, 2016

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KANDIS A. WESTMORE
9 United States Magistrate Judge
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